DETAILED ACTION

1. Claims 1-10 are subject to examination. Claims 4, 7, 10 are allowable but objected to.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-3, 5, 6, 8, 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ralston et al. (Hereinafter Ralston), 2005/0172213 in view of "Official Notice".

4. Referring to claim 1, Ralston discloses a system of regulating receipt of electronic mail comprising: an outgoing electronic mail analyzer to capture an outgoing electronic mail message (e.g., page 2); to determine an electronic mail address of at least one intended recipient of the outgoing electronic mail message (e.g., page 2); and to update a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., page 2); an incoming electronic mail analyzer to capture incoming electronic mail message to determine whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list and to forward the incoming message to an intended recipient when the address of the sender is a member of the pass list (e.g., page 4); and analysing means to determine a probability that the incoming message is an unsolicited message when the address of the sender is not a member of the pass list and for forwarding the incoming message

to the intended recipient when the probability is sufficiently low that the incoming message is an unsolicited message (e.g., page 5). Ralston does not specifically mention about a determined probability is less than a predetermined probability.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of a determined probability is less than a predetermined probability with the teachings of Ralston in order to facilitate a determined probability is less than a predetermined probability because it would enhance determining whether incoming message is an unsolicited message or not. Usage of the predetermined probability would support selecting probability ahead of receiving message for determining whether the incoming message is an unsolicited message or not in order to regulate receipt of electronic mail.

5. Referring to claim 2, Ralston discloses the claimed limitations as rejected as above. Ralston also discloses wherein the outgoing electronic mail analyzer dates members of the pass list with a date on which a message was last sent to the member (e.g., page 4).

6. Referring to claim 3, Ralston discloses the claimed limitations as rejected as above. Ralston also discloses a pass list purger to purge the pass list of members to which a message has not been sent for a predetermined period of time (e.g., page 5).

7. Referring to claim 5, Ralston discloses a method of regulating receipt of electronic mail (e.g., page 2) comprising the steps of: capturing an outgoing electronic mail message (e.g., page 2), analysing the outgoing electronic mail message to determine an electronic mail address of at

least one intended recipient of the outgoing electronic mail message (e.g., page 2); updating a pass list of electronic mail addresses with the at least one intended recipient of the outgoing electronic mail message (e.g., page 2); capturing an incoming electronic mail message(e.g., page 2), analysing the incoming electronic mail message to determine whether an electronic mail address of a sender of the incoming electronic mail message is a member of the pass list (e.g., page 4); passing the incoming electronic mail message to an addressee when the electronic address of the sender of the incoming message is a member of the pass list (e.g., page 4); filtering the incoming message to analyse a probability that the incoming message is an unsolicited message when the address of the sender is not on the pass list (e.g., page 5); and when the probability is sufficiently low that the incoming message is an unsolicited message forwarding the message to the addressee (e.g., page 5). Ralston does not specifically mention about a determined probability is less than a predetermined probability.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of a determined probability is less than a predetermined probability with the teachings of Ralston in order to facilitate a determined probability is less than a predetermined probability because it would enhance determining whether incoming message is an unsolicited message or not. Usage of the predetermined probability would support selecting probability ahead of receiving message for determining whether the incoming message is an unsolicited message or not in order to regulate receipt of electronic mail.

8. Referring to claims 6 and 9, Ralston discloses the claimed limitations as rejected as above. Ralston also discloses wherein the step of updating a pass list includes updating the pass

list with the latest date on which a message has been sent to an address, for subsequent purging of addresses to which messages have not been sent within a predetermined period of time (e.g., page 4).

9. Referring to claim 8, Ralston discloses a computer-readable storage medium comprising code means for regulating receipt of electronic mail comprising the steps of claim 5 (e.g., page 2).

Response to Arguments

10. Applicant's arguments with respect to the claims with additional limitations have been considered but are moot in view of the new ground(s) of rejections.

Allowable Subject Matter

Claims 4, 7, 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Examiner has cited particular columns and line numbers and/or paragraphs and/or sections and/or page numbers in the reference(s) as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages

and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety, as potentially teaching, all or part of the claimed invention, as well as the context of the passage, as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Haresh Patel whose telephone number is (571) 272-3973. The examiner can normally be reached on Monday, Tuesday, Thursday and Friday from 10:00 am to 8:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Flynn, can be reached at (571) 272-1915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Haresh N. Patel/

HARESH PATEL

PRIMARY EXAMINER

ART UNIT 2454

8/10/08